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Anthony Perez

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ANTHONY PEREZ, an individual

Plaintiff,

vs.

ORANGE COUNTY SHERIFFS  
DEPARTMENT a municipality; COUNTY  
OF ORANGE a municipality; AND DOES 1  
THROUGH 50, INCLUSIVE,

Defendants.

Case No.:

**VERIFIED COMPLAINT FOR  
DAMAGES & EQUITABLE RELIEF:**

1. ASSAULT & BATTERY;
2. EXCESSIVE USE OF FORCE –  
UNREASONABLE ARREST AND  
SEIZURE/FALSE  
IMPRISONMENT (42 U.S.C.  
§1983);
3. FAILURE TO PROPERLY SCREEN  
AND HIRE; 42 U.S.C. §1983);
4. FAILURE TO TRAIN, SUPERVISE,  
AND DISCIPLINE; 42 U.S.C. §1983  
MONELL;
5. VIOLATION OF CAL. CIV. CODE  
§52.1
6. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS;
7. NEGLIGENCE / NEGLIGENT  
INFLICTION OF EMOTIONAL  
DISTRESS

**DEMAND FOR JURY TRIAL**

COME NOW Plaintiff ANTHONY PEREZ (hereinafter “Plaintiff”), by and through his attorney of record, hereby alleging the following based on their personal knowledge and belief:

**COMPLAINT**

1. This is a civil rights action seeking monetary damages from Defendants for violating various rights under the United States Constitution and California state law in connection with the illegal entry, search, and seizure of Plaintiff ANTHONY PEREZ property on March 25, 2022, and the wrongful assault, arrest, and detainment of Plaintiff ANTHONY PEREZ on April 1, 2022.

**PLAINTIFF**

2. ANTHONY PEREZ is and was at all relevant times herein, an individual residing in Orange County, State of California.

**DEFENDANTS**

3. Defendant, COUNTY OF ORANGE (hereinafter “COUNTY”) is now, and at all times mentioned in this Complaint was, a municipal corporation and political subdivision organized and existing under the laws of the State of California and owns, operates, manages, directs and controls the ORANGE COUNTY SHERIFF’S DEPARTMENT, (“OCSD”) and operating department of the COUNTY.
4. ORANGE COUNTY SHERIFF’S DEPARTMENT (hereinafter “OCSD”) is a non-separable department of the Count of Orange located in the County of Orange, California.
5. At all relevant times, Defendants, are law enforcement officers, present, participating or actively supporting in the wrongful acts as alleged herein.
6. DOES 1-50 are as yet unidentified individuals who knowingly participated in or supported some or all of the wrongful acts as stated herein.

- 1 7. DOES 1-10, are unnamed supervisors because the identity has yet to be ascertained. They  
2 were Sheriff supervisors of the Individual Defendants on or near the scene and was thus  
3 knowingly involved with the violations alleged herein.
- 4 8. DOES 11-15 are unnamed supervisors who participated in the training or oversight of the  
5 Individual Defendants' wrongful acts as stated herein. They are unnamed because their  
6 identity has yet to be ascertained.
- 7 9. DOES 16-50 are unnamed because their identities have yet to be ascertained. They  
8 participated in the deprivations visited upon Plaintiff, or with full knowledge of the  
9 deprivation and the ability to stop the deprivations did not and/or failed to investigate, or  
10 participate honestly in the investigation of the allegations of misconduct as alleged herein,  
11 and as alleged.
- 12 10. Each individually named defendant and each DOE defendant acted under color of state law  
13 and within the scope of his or her agency and employment with the County of Orange and  
14 its Sheriff's Department. All acts and omissions of the individual Defendants were  
15 malicious and intentional, with either the intent to deprive Plaintiff of his constitutional and  
16 statutory rights, or in reckless disregard of those rights.
- 17 11. Furthermore, Plaintiffs has assumed on information and belief that the only government  
18 entity that operates the Orange Sheriff's Department is the County of Orange itself. If it is  
19 later determined that another agency operates the Orange County Sheriff's Department, then  
20 Plaintiff will substitute the entity as DOE 51.
- 21 12. At such times as these individuals are identified, Plaintiffs will seek to substitute the names  
22 of those individuals for the currently named DOE defendants.

### **JURISDICTION AND VENUE**

- 24 13. On or Plaintiffs' claims arise out of a course of conduct involving acts by the Sheriff's  
25 Department for Orange County, with its main location located in the County of Orange, and  
26 for the acts of officials and its law enforcement officers of the County of Orange and its  
27 Sheriff's Department, and/or DOE 1- 51 and its law enforcement officers, with its  
28

1 headquarters located in the County of Orange, State of California, and within this judicial  
2 district. The subject event, and all acts described herein, occurred in the City of Trabuco  
3 Canyon, County of Orange, State of California.

4 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

5 14. Plaintiffs timely filed the appropriate administrative claims on September 23, 2022, and  
6 September 29, 2022. The County has not provided timely notice of its acceptance or denial  
7 within the requisite time as ascribed by Government Code § § 911, 911.2, and 911.3 thus the  
8 claim provisions and time limitations to file suit enunciated in the California Government  
9 Tort Claims Act have been followed. A copy of the claims of Plaintiff are attached  
10 collectively as Exhibit A.

11 **FACTS COMMON TO ALL CLAIMS**

- 12 15. By this reference, Plaintiff allege and incorporate herein each and every allegation set forth  
13 in all previous paragraphs of the Complaint.
- 14 16. On or about March 25, 2022 OCSD deputies illegally without permission or warrant entered  
15 into Plaintiffs home and conducted an illegal search of Plaintiffs home.
- 16 17. OCSD claim they were responding to a ADT alarm call from Plaintiffs home which was  
17 about 1 to 2 hours before OCSD deputies arrived.
- 18 18. Plaintiff is informed and believes and thereon alleges that ADT never gave OCSD  
19 authorization to enter into his property by either picking any locks or any other method to  
20 enter Plaintiffs home.
- 21 19. OCSD never received authorization from Plaintiff to enter his home by picking the locks or  
22 any other method to enter Plaintiffs home.
- 23 20. OCSD deputies subsequently broke into Plaintiffs home without authorization or warrant to  
24 enter the premises.
- 25 21. OCSD deputies after illegally gaining entrance into Plaintiffs home search searched  
26 bathrooms, bedrooms, cabinets in the bathroom and kitchen, behind pictures hanging on the  
27 walls, searching under the guise they were looking for a possible suspect who may have  
28

1 entered the property.

2 22. On or about April 1, 2022 Anthony Perez became the target of Law enforcement excessive  
3 violence.

4 23. On said date Plaintiff was home with his wife and minor children unbeknownst to him that  
5 he would be traumatized by OCSD deputies.

6 24. OCSD deputies were called to his home due to a domestic dispute between Plaintiff and his  
7 wife. There was no physical altercation between Plaintiff and his wife, and no instances of  
8 violence between Plaintiff and his wife. There was no cause for OCSD deputies to escalate  
9 the matter any further.

10 25. At the initial response 5 OCSD deputies responded to Plaintiffs home and subsequently 2 to  
11 3 more came to the home in response to this call.

12 26. Upon OCSD deputies' arrival they spoke with Plaintiffs wife outside but entered the home  
13 without Plaintiffs authorization and engaged Plaintiff in the home.

14 27. Plaintiff at no time invited or authorized the OCSD deputies to enter his domicile.

15 28. One OCSD deputy enter Plaintiffs home looking for a charger for Plaintiffs phone as the  
16 battery was dead in the phone.

17 29. OCSD deputies were looking to access Plaintiffs phone information without Plaintiffs,  
18 consent, authorization and failing to have a warrant to do so.

19 30. OCSD deputies began to antagonize Plaintiff as he feared for his life, as OCSD deputies told  
20 Plaintiff to "get down on his knees and say his hail Mary's."

21 31. As OCSD deputies had Plaintiff on his knees Plaintiff began to beg for his life, as he feared  
22 OCSD deputies would take action against him and possibly kill him.

23 32. OCSD deputies were pointing their handguns at Plaintiff although Plaintiff did not pose a  
24 threat as he had no weapons, was he combative, nor did he make any threats to OCSD  
25 deputies.

26 33. Additional OCSD deputies would again enter the home searching for Plaintiffs phone  
27 charger in an attempt to charge Plaintiffs phone so they could get access to Plaintiff phone  
28

1 information.

2 34. Plaintiffs' wife was allowed to leave the property, after Plaintiffs wife left, Plaintiff was  
3 ordered by OCSD deputies not to leave his house, nor step outside of the house without  
4 providing any reason to Plaintiff for such order.

5 35. Plaintiff was ordered by OCSD deputies to close his door, stay in the house, and not leave  
6 or go outside for a period of 24 hours without providing Plaintiff a reason or under what  
7 authority they were issuing such order to Plaintiff.

8 36. OCSD deputies closed his door, as OCSD deputies began to leave his home, Plaintiff  
9 opened his door slipped and fell.

10 37. OCSD deputies returned restrained Plaintiff and tazed his dog.

11 38. OCSD deputies took Plaintiffs phone and used his thumb print gain access to Plaintiff  
12 phone.

13 39. OCSD deputies after illegally gaining access to Plaintiffs phone remarked "this guy was  
14 busy."

15 40. Specifically, OCSD deputies after observing Plaintiff slipping on the ground and posing no  
16 threat arrested him and tazed his dog, which reasonably caused Plaintiff to fear that he  
17 would be harmed.

18 41. OCSD deputies during the illegal arrest and seizure of Plaintiff, injured Plaintiff further as  
19 Plaintiff already had a broken hand caused extensive damage to his broken hand and caused  
20 extensive damage to Plaintiffs knee.

21 42. OCSD deputies after restraining Plaintiff placed him in the back of an unmarked police car  
22 and began to have a conversation as to what they were going to do with Plaintiff.

23 43. OCSD deputies without restraining Plaintiff with a seatbelt at a high rate of speed took  
24 Plaintiff to a mental hospital claiming in their official report, and to the hospital that he was  
25 a 5150 hold, stating that he claimed that "his family was abducted by aliens." Plaintiff never  
26 at anytime made such a claim to the deputies or to anyone at the hospital.

27 44. OCSD deputies while at the hospital made various threats against Plaintiff and informing  
28

1 him that it was their word against his.

2 45. Plaintiff alleges and thereon believes that the OCSD deputies during these exchanges at  
3 Plaintiffs home, and at the hospital OCSD deputies turned off their body cam and audio  
4 recordings to hide their nefarious actions against Plaintiff.

5  
6 **FIRST CAUSE OF ACTION**

7 **ASSAULT & BATTERY**

(Asserted against Orange County Sheriff's Department )

8 46. Plaintiffs hereby realleges and incorporates by reference the allegations set forth in  
9 paragraphs 1 through 45, inclusive, above, as if set forth full herein.

10 47. As outlined in detail above, Defendants assaulted Plaintiff by engaging in actions that  
11 intended to harm him, in which response to which Plaintiff reasonably believed that he  
12 would be harmed and was in fact harmed.

13 48. Defendant OCSD deputies Does 1-10 and 16-50 forcefully grabbed unlawfully arrested  
14 Plaintiff and detained him against his will amounting to false imprisonment and offensive  
15 touching.

16 49. Specifically, OCSD deputies after observing Plaintiff slipping on the ground and posing no  
17 threat arrested him and tazed his dog, which reasonably caused Plaintiff to fear that he would  
18 be harmed.

19 50. OCSD deputies during the illegal arrest and seizure of Plaintiff, injured Plaintiff further as  
20 Plaintiff already had a broken hand caused extensive damage to his broken hand and caused  
21 extensive damage to Plaintiffs knee.

22 51. As a direct and proximate result of the aforesaid acts and omissions of the aforementioned  
23 defendants, Plaintiffs suffered and will continue to suffer severe mental and physical pain,  
24 suffering, anguish, fright, nervousness, anxiety, shock, humiliation, indignity,  
25 embarrassment, harm to reputation, and apprehension, which have caused Plaintiff to sustain  
26 damages in a sum to be determined at trial.

52. COUNTY, OCSD, and DOE 51 are vicariously liable pursuant to Cal. Gov't Code § 815.2(a).

53. The aforementioned acts of all Defendants were willful, wanton, malicious and oppressive, with reckless disregard for, with deliberate indifference to, and with the intent to sadistically subjected Plaintiffs to pain, and suffering, entitling Plaintiffs to exemplary and punitive damages against Defendants in an amount to be proven at trial.

**SECOND CAUSE OF ACTION**

**EXCESSIVE USE OF FORCE – UNREASONABLE ARREST AND SEIZURE/FALSE IMPRISONMENT (42 U.S.C. §1983);**

**(Asserted against Orange County Sheriffs Department)**

54. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 53, inclusive, above, as if set forth in full herein.

55. Defendant used force, including deadly force, to arrest and/or detain Plaintiff. Defendants acted under color of law at all times relevant to this complaint.

56. On information and belief, a reasonable law enforcement officer would not have hit, kicked, or forcefully restrained Plaintiff when he posed no threat to Defendants or the Public.

57. As a result, the use of deadly force was excessive and objectively unreasonable under the circumstances. The force was also performed with a deliberate indifference to the safety and welfare of Plaintiff. Defendant's actions thus deprived Plaintiff of his right to be free from the use of excessive force by law enforcement.

58. As a direct and proximate result of Defendants' deprivations and violations of Plaintiff Fourth Amendment rights, Plaintiff has suffered general and special damages according to proof at the time of trial.

59. As a further direct and proximate result of the foregoing, Plaintiff further suffers from depression, nightmares, mental anguish, irritability, anxiety, memory loss, moodiness difficulty sleeping, social withdrawal, tearfulness, and anger.

60. As a further result of the foregoing, Plaintiff is entitled to recover reasonable costs and attorney fees under 42 U.S.C. § 1988.



1 61. In committing the acts described above. Plaintiff is informed and believes Defendants acted  
2 with oppression, fraud, or malice, entitling Plaintiff to an award of punitive damages under  
3 42 U.S.C. § 1983 and California Code of Civil Procedure § 337.34 against Defendants in an  
4 amount according to proof at time of trial.

5 **THIRD CAUSE OF ACTION**

6 FAILURE TO PROPERLY SCREEN AND HIRE; 42 U.S.C. §1983);  
7 (Asserted against All Defendants)

8 62. Plaintiff hereby realleges and incorporates by reference the allegations set forth in  
9 paragraphs 1 through 60, inclusive, above, as if set forth in full herein.

10 63. The COUNTY and DOES 1-25 as a matter of custom, practice and policy, failed to  
11 adequately and properly screen and hire Defendant employees.

12 64. The failure of Defendants, their agents, servants, and employees to properly screen and hire  
13 the defendant officers as a matter of policy, custom and practice, in the exercise of their  
14 functions. Was deliberately indifferent to the Constitutional rights of Plaintiff and done with  
15 conscious disregard for the dangers of harm and injury to Plaintiff and others similarly  
16 situated.

17 65. Due to the acts of Defendants COUNTY and DOES 1-25, the failure to properly screen and  
18 hire Deputies and the continued employment of the defendant deputies, a clear and present  
19 danger exists to the residents of the COUNTY of Orange.

20 66. Furthermore, the lack of adequate screening and hiring practices by Defendants evidence a  
21 deliberate indifference to the rights of Plaintiff and others in their position.

22 67. Therefore, these defendants, with deliberate indifference, disregarded a duty to protect the  
23 public from official misconduct.

24 68. The conduct alleged herein violated Plaintiffs rights alleged above which has legally,  
25 proximately, foreseeably, and actually caused Plaintiff to suffer general and special damages  
26 according to proof at the time of trial.

69. As a further direct and proximate result of the foregoing, Plaintiff further suffers from depression, nightmare, mental anguish, irritability, anxiety, short-temper, moodiness, difficulty sleeping, memory loss, social withdrawal, tearfulness, and anger.

70. Plaintiff is also entitled to recover reasonable costs and attorney fees under 42 U.S.C. § 1988.

71. In committing the acts described above, Plaintiff is informed and believes Defendants and Does 1-25 acted with oppression, fraud, or malice, entitling Plaintiff to an award of punitive damages against Defendant and Does 1-25 in an amount according to proof at the time of trial.

#### **FOURTH CAUSE OF ACTION**

**FAILURE TO TRAIN, SUPERVISE, AND DISCIPLINE; 42 U.S.C. §1983 MONELL;  
(Asserted against All Defendants)**

72. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 71, inclusive, above, as if set forth in full herein.

73. The COUNTY and DOES 1-25 as a matter of custom, practice, and policy, failed to maintain adequate and proper training for deputies and law enforcement personnel in the OCSD necessary to educate the deputies as to the Constitutional right of arrestees, to prevent the consistent and systemic use of excessive force by arresting deputies, and to prevent the excessive force and extra judicial punishment of potential arrestees by deputies.

74. The COUNTY and DOES 1-25 also failed to provide adequate supervision and discipline to deputies and other law enforcement personnel that hold the power, authority, insignia, equipment and arms entrusted to them. Defendants also failed to promulgate and enforce adequate policies and procedures related to alternatives to the use of deadly force, including the Taser, stun-gun, pepper spray, or pepper ball and bean bag guns.

75. Said custom, practice, and policy included a failure to adequately investigate, supervise, and discipline offending deputies that fostered the custom, practice, and policy within the Sheriff's Department which resulted in the wrongful and illegal entry of Plaintiffs home on March 25, 2022, and the forceful attack and disregard of safety of Plaintiff on April 1, 2022.

1 76. The failure to promulgate or maintain constitutionally adequate policies regarding training  
2 was done with deliberate indifference to the rights of Plaintiff and others in his position.

3 77. The constitutionally infirm lack of adequate training, supervision, and discipline as to the  
4 officers and law enforcement personnel in this case cause Plaintiff to suffer general and  
5 special damages according to proof at trial.

6 78. As a further direct and proximate result of the foregoing, Plaintiff further suffers from  
7 depression, nightmare, mental anguish, irritability, anxiety, short-temper, moodiness,  
8 difficulty sleeping, memory loss, social withdrawal, tearfulness, and anger.

9 79. Plaintiff is also entitled to recover reasonable costs and attorney fees under 42 U.S.C. §  
10 1988.

11 80. In committing the acts described above, Plaintiff is informed and believes Defendants and  
12 Does 1-25 acted with oppression, fraud, or malice, entitling Plaintiff to an award of punitive  
13 damages against Defendant and Does 1-25 in an amount according to proof at the time of  
14 trial.

15 **FIFTH CAUSE OF ACTION:**  
16 **VIOLATION OF CAL. CIV. CODE §52.1**  
17 **(Asserted Against All Defendants)**

18 81. Plaintiffs hereby realleges and incorporates by reference the allegations set forth in  
19 paragraphs 1 through 80, inclusive, above, as if set forth in full herein.

20 82. Plaintiffs have protections under California Civil Code Section 52.1 to be free from the  
21 deprivation of any rights, privileges, or immunities secured by the United States and  
22 California Constitutions and by any federal or California laws by any agency or individuals  
23 whether or not acting under the color of State law. These constitutional rights include, but  
24 are not limited to, inalienable rights (Article I, section 1 ), the Right to Free Speech and  
25 conduct peaceful protests, due process (Article I, section 7), freedom from unreasonable  
26 searches and seizures (Article I, section 13), and privacy.

27 83. March 25, 2022, Plaintiff claims that, while acting under the color of law, defendants OCSD  
28 deputies and DOES 1-50 intentionally interfered with Plaintiff civil rights by illegally

1 picking the lock to his home and entering without permission or warrant from the court  
 2 threats, intimidation, or coercion against him and keeping Plaintiff from being secure in his  
 3 persons, houses, papers and effects, against unreasonable searches and seizures. All acts  
 4 were done under the orders of the Sheriff Department, Does 1-50.

5 84. April 1, 2022, Plaintiff claims that, while acting under the color of law, defendants OCSD  
 6 deputies and DOES 1-50 intentionally interfered with Plaintiff civil rights by using threats,  
 7 intimidation, arbitrary arrests, malicious prosecution, as well as against unreasonable  
 8 searches or coercion against him. All acts were done under the orders of the OCSD, Does 1-  
 9 50.

10 85. At the time of the threats made against Plaintiff and at his illegal arrest, Plaintiff simple  
 11 opened his front door and stepped on his porch. Plaintiff stepping out on his porch neither  
 12 interfered with any legal resident ingress or with the OCSD deputies egress to their vehicles,  
 13 nor did the Plaintiff seek to, nor did the Plaintiff threaten any of OCSD personnel, or  
 14 attempted to, or threaten or dissuade, any witness, or person from their lawful duties.

15 86. On April 1, 2022, the threats, intimidation or coercion, used by defendants OCSD deputies  
 16 and DOES 1-50, while acting under the color of law, caused Plaintiff to reasonably believe  
 17 that if he exercised his right to freedom of speech against being wrongfully detained, and  
 18 searched that OCSD deputies defendants or other personnel with the Orange County  
 19 Sheriff's Department and DOES 1-50 would commit violence against him or his property,  
 20 arrest him (without benefit of probable cause), and that OCSD deputies or other personnel  
 21 with the OCSD and DOES 1-50 had the apparent ability to carry out the threats.

22 87. On April 1, 2022, prior to his unlawful arrest and detention, Plaintiff was prevented from  
 23 exercising his right to free speech by defendants OCSD deputies and DOES 1-50, who used  
 24 threats, intimidation and coercion. These threats, intimidation, and coercion by defendants  
 25 was independent from the coercion inherent in the wrongful detention of Plaintiff itself.  
 26 (Simmons v. Superior Court (2016) 7 Cal.App.5th at p. 1126.)  
 27  
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1 88. On April 1, 2022, while acting under the color of law, defendants OCSD deputies and DOES  
 2 1-50, used force and intimidation against Plaintiff and his property to prevent him from  
 3 exercising his right to freedom of speech to retaliate against Plaintiff for having exercised his  
 4 rights. All acts were done under the orders of the OCSD, Does 1-50.

5 89. On April 1, 2022, defendants OCSD, and DOES 1-50 intended to deprive Plaintiff of his  
 6 enjoyment of the interests protected by the right. All acts were done under the orders of the  
 7 OCSD, DOES 1-50.

8 90. On April 1, 2022, defendants OCSD deputies and DOES 1-50 prevented Plaintiff doing  
 9 something they had the right to do under the law or to force the plaintiff to do something that  
 10 he or she was not required to do under the law. (*King v. State of California* (2015) 242  
 11 Cal.App.4th 265,294 [195Cal.Rptr.3d 286j, internal citation omitted.)

12 91. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned,  
 13 defendants OCSD deputies, Sheriff Don Barnes, and DOE 51 employed OCSD deputies and  
 14 DOES 1-50 as well as maintained, enforced, tolerated, ratified, permitted, acquiesced in,  
 15 and/or applied, among others, policies, practices and customs with deliberate indifference,  
 16 and in conscious and reckless disregard to the safety, security and constitutional and  
 17 statutory rights of Plaintiff.

18 92. The COUNTY, OCSD, and DOE 51 are vicariously liable pursuant to California  
 19 Government Code§ 815.2(a).

20 93. As a direct and proximate result of the aforesaid acts and omissions of the aforementioned  
 21 defendants, Plaintiff was injured in his person. Plaintiff suffered and will continue to suffer  
 22 severe mental and physical pain, suffering, anguish, fright, nervousness, anxiety; shock,  
 23 humiliation, indignity, embarrassment, harm to reputation, and apprehension, which have  
 24 caused Plaintiff to sustain damages in a sum to be determined at trial.

25 94. The aforementioned acts of Defendants, and DOES 1-50 were willful, wanton, malicious and  
 26 oppressive, with reckless disregard for, with deliberate indifference to, and with the intent to  
 27  
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1 sadistically subject Plaintiff to pain and suffering - entitling Plaintiff to exemplary and  
 2 punitive damages against Defendants in an amount to be proven at trial.

3 95. "Civil Code section 52.1, the Bane Act civil counterpart of [Penal Code] section 422.6,  
 4 recognizes a private right of action for damages and injunctive relief for interference with  
 5 civil rights." (In re MS. (1995) 10 Cal.4<sup>th</sup> 27 698, 715 [42Cal.Rptr.2d 355, 896 P.2d 1365].)  
 6 Plaintiff intends to seek injunctive relief against the defendants to prevent OCSD personnel  
 7 from depriving persons of their constitutionally protected civil rights.

8 **SIXTH CAUSE OF ACTION:**  
 9 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;**  
 10 **(Asserted Against All Defendants)**

11 96. Plaintiff hereby realleges and incorporates by reference the allegations set forth in  
 12 paragraphs 1 through 95, inclusive, above, as if set forth in full herein.

13 97. As outlined in detail above, Defendants intentionally inflicted emotional distress on Plaintiff  
 14 by engaging in extreme and outrageous behavior that intended to cause Plaintiff emotional  
 15 distress and/or Defendants acted with reckless disregard of the possibility that Plaintiff  
 16 would suffer emotional distress. Specifically, Defendants engaged in extreme and  
 17 outrageous behavior when Defendants dragged Plaintiff to the ground in front of his house,  
 18 physically detained him for no reason other than Plaintiff stepping outside onto his porch.  
 19 Defendants as further attempts to torcher Plaintiff tazed Plaintiffs dog who was no threat to  
 20 Defendants. As a result, Plaintiff did in fact suffer emotional distress, and continue to suffer  
 21 emotional distress as a result of Defendants' conduct.

22 98. As a further direct and proximate result of the foregoing, Plaintiff further suffers from  
 23 depression, nightmare, mental anguish, irritability, anxiety, short-temper, moodiness,  
 24 difficulty sleeping, memory loss, social withdrawal, tearfulness, and anger.

25 99. On information and belief, the wrongful acts and conduct of Defendant, as set forth above,  
 26 was conducted or occurred deliberately, intentionally, knowingly, maliciously, willfully,  
 27 wantonly, and with conscious and reckless disregard for the rights and safety of Plaintiff,  
 28

1 entitling Plaintiff to an award of exemplary damages as provided by Section 337.34 of the  
2 California Code of Civil Procedure.

3 100. The COUNTY is vicariously liable for the wrongful acts of Defendant pursuant to  
4 section 815.2 of the California Government Code, which provides that a public entity is  
5 liable for the injuries caused by its employees within the scope of the employment if the  
6 employee's act would subject him or her to liability.

7 **SEVENTH CAUSE OF ACTION:**  
8 **NEGLIGENCE / NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**  
9 **(Asserted Against All Defendants)**

10 101. Plaintiff, hereby realleges and incorporates by reference the allegations set forth in  
11 paragraphs 1 through 100, inclusive, above, as if set forth in full herein.

12 102. Plaintiff claims Defendants OCSD and DOES 1-50 owed Plaintiff a duty of due care to  
13 conduct themselves reasonably, professionally, and within constitutional limitations. All acts  
14 were done under the orders of the OCSD, DOES 1-50.

15 103. Plaintiff claims Defendant OCSD and DOES 1-50 conduct was outrageous, and  
16 unreasonable and that all acts were done under the orders of the OCSD, DOES 1-50.

17 104. Defendant OCSD and DOES 1-50 negligently caused Plaintiff emotional distress by  
18 using excessive force on Plaintiffs' person, wrongfully arresting, searching & seizing  
19 Plaintiff in front of his neighbors and friends in his neighborhood.

20 105. Defendants OCSD and DOES 1-50 acted negligently, and/or with reckless disregard of  
21 the probability that Plaintiff would suffer emotional distress.

22 106. Plaintiff suffered severe emotional distress. Defendants OCSD and DOES 1-50 conduct  
23 was a substantial factor in causing Plaintiffs' severe emotional distress.

24 107. Defendants OCSD and DOES 1-50 knew that Plaintiff was particularly vulnerable to  
25 emotional distress being that Plaintiff were assaulted, threatened and arrested in front of  
26 neighbors and friends while simply exercising his Rights as to the United States  
27 Constitution.  
28

1 108. Defendants OCSD and DOES 1-50 knew that their conduct would likely result in  
2 emotional distress.

3 109. COUNTY, OCSD, and DOE 51 are vicariously liable pursuant to California Government  
4 19 Code§ 815.2(a).

5 110. As a direct and proximate result of the aforesaid acts and omissions of the  
6 aforementioned defendants, Plaintiff suffered and will continue to suffer severe mental and  
7 physical pain, suffering, anguish, fright, nervousness, anxiety, shock, humiliation, indignity,  
8 embarrassment, harm to reputation, and apprehension, which have caused Plaintiffs to  
9 sustain damages in a sum to be determined at trial.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs pray for judgment against the Defendants and each of them as  
12 follows:

- 13 1. For all compensatory damages incurred according to proof;  
14 2. For all consequential damages incurred according to proof;  
15 3. For all special damages according to proof;  
16 4. For all statutory damages applicable to each cause of action;  
17 5. For punitive damages sufficient to punish the Defendants and act as a deterrent to others;  
18 6. For attorney's fees and costs of suit;  
19 7. For such other relief that the court may deem just and proper.

20 Dated: December 8, 2022

RODRIGUEZ LAW GROUP, INC.

21   
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23 \_\_\_\_\_  
24 By: Patricia Rodriguez, Esq.  
25 Attorney for Plaintiff  
26  
27  
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**VERIFICATION**

State of California                    )  
  )  
County of Orange                    )

I, ANTHONY PEREZ, am the Plaintiff in this action. I have read the foregoing Complaint. I am informed and believe and, on that ground, allege that matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 8, 2022, Orange, California.



\_\_\_\_\_  
Anthony Perez  
Plaintiff